



The Internet & Television Association
25 Massachusetts Avenue, NW | Suite 100
Washington, DC 20001
(202) 222-2300

Steve Morris
Vice President &
Deputy General Counsel
o (202) 222-2454 e smorris@ncta.com

September 23, 2021

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

**Re: PS Docket No. 21-346, Resilient Networks
PS Docket No. 15-80, Outage Reporting
ET Docket No. 04-35, Part 4 Rules**

Dear Ms. Dortch:

On September 22 and 23, 2021, Steve Morris of NCTA – The Internet & Television Association (NCTA) and Morgan Reeds of USTelecom – The Broadband Association (USTelecom) met by phone with: (1) Ethan Lucarelli, Legal Advisor to Acting Chairwoman Rosenworcel; (2) Danielle Thumann, Legal Advisor to Commissioner Carr; and (3) Bill Davenport, Chief of Staff to Commissioner Starks; (4) Carolyn Roddy, Chief of Staff to Commissioner Simington; and (5) Austin Randazzo, Erika Olsen, Saswat Misra, and Amanda Farenthold of the Public Safety and Homeland Security Bureau, to discuss the draft item in the above-referenced proceeding that is scheduled to be considered at the September 2021 agenda meeting.¹

Recognizing the importance of reliable and resilient communications infrastructure, NCTA and USTelecom expressed support for the draft item's inquiries into potential steps to ensure the resiliency of communications networks. We explained that NCTA and USTelecom members devote a significant amount of time and resources to improving the resiliency of their networks and mitigating the consequences of natural disasters. In the experience of our members, responding to these disaster situations presents a number of complex issues and generally does not lend itself to one-size-fits-all regulatory mandates. We also discussed the importance of maintaining the presumptively confidential treatment of outage data submitted by providers.

In the meetings, we suggested minor changes to the *Draft Order* that are intended to better reflect the current state of activity in this area. Specifically, we suggested language to

¹ See *Resilient Networks*, PS Docket No. 15-80, Notice of Proposed Rulemaking, FCC-CIRC2109-01(Sept. 9, 2021) (*Draft Order*).

Marlene H. Dortch
September 23, 2021
Page 2

reflect that the effect of power outages may vary based on the type of network and type of geography. We also suggested that the Commission add a reference to the work being done by the Cross-Sector Resiliency Forum, an informal collaboration of the electric and communications industries. We have attached to this letter specific proposed revisions to the *Draft Order* to implement these suggestions.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: E. Lucarelli
B. Davenport
D. Thumann
C. Roddy
A. Randazzo
E. Olsen
S. Misra
A. Farenthold

Proposed Changes to Draft Network Resiliency NPRM:

3. Accordingly, in this Notice, we seek comment on measures to help ensure that communications services remain operational when disasters strike. We consider whether elements of the Wireless Network Resiliency Cooperative Framework (Framework) – a voluntary agreement developed by the wireless industry in 2016 to provide mutual aid in the event of a disaster – could be improved to enhance the reliability of communication networks. We also ask whether the public would benefit from codifying some or all of the Framework into our rules. Next, we seek comment on how the Commission can better promote situational awareness during disasters through its Disaster Information Reporting System (DIRS) and Network Outage Reporting System (NORS). Finally, we explore communications resilience strategies to address one of the primary reasons for service disruptions — electric power outages — and how such outages may impact different types of networks in different geographies.

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36. As an initial matter, we seek comment on communications service provider coordination with power companies before, during, and after disasters. Are existing coordination efforts, such as the Cross-Sector Resiliency Forum,¹ effective at minimizing communications service outages that are caused by power outages? Are there coordination activities that communications service provider and power companies could potentially take that have not yet been formalized or operationalized? If so, what steps could the Commission take to encourage this coordination? For example, should the Commission convene stakeholders from the electric industry, telecommunications sector, and public safety agencies to take part in regional coordination events to encourage greater cross-sector coordination in preparing for and in response to disasters? Should the Commission coordinate with gubernatorial offices and state emergency management agencies to encourage integrating communications providers and power companies into response planning, execution, and exercises?

¹ See, e.g., Letter from Steven F. Morris, NCTA, et al., to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket No. 11-60 (June 7, 2021) (“The Cross-Sector Resiliency Forum represents a collaborative effort towards advancing resiliency through improving information sharing, identifying lessons learned from previous disaster and emergency events, and enhancing coordination between the communications and electric industries before, during, and in the immediate aftermath of such events.”).